

50 CFR Part 679

[Docket No. 960129018-6018-01; I.D. 080596B]

Fisheries of the Exclusive Economic Zone Off Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the third seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught.

EFFECTIVE DATES: 1200 hrs, Alaska local time (A.l.t.), August 7, 1996, until 2400 hrs, A.l.t., October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The deep-water species fishery was apportioned 400 mt of Pacific halibut prohibited species catch for the third season, the period July 1, 1996, through September 30, 1996 (61 FR 4304, February 5, 1996). (See § 679.21(d).)

The Director, Alaska Region, NMFS, has determined, in accordance with § 679.21(d)(7)(i), that vessels participating in the trawl deep-water species fishery in the GOA have caught the third seasonal bycatch allowance of Pacific halibut apportioned to that fishery. Therefore, NMFS is prohibiting directed fishing for each species and species group that comprise the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: All rockfish of the genera *Sebastes* and *Sebastolobus*, Greenland turbot, Dover sole, Rex sole, arrowtooth flounder, and sablefish.

Maximum retainable bycatch amounts for applicable gear types may be found at § 679.20(e).

Classification

This action is taken under 50 CFR 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 5, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 679

[Docket No. 960401095-6212-02; I.D. 032596A]

RIN 0648-AH61

Fisheries of the Exclusive Economic Zone Off Alaska; Improve Individual Fishing Quota Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule amending the regulations implementing the Individual Fishing Quota (IFQ) Program for the Pacific halibut and sablefish fixed gear fisheries in and off of Alaska. This rule also eliminates a prohibition pertaining to IFQ sablefish in the regulations governing the groundfish fisheries in the Gulf of Alaska (GOA). After the first year of the IFQ Program's operation, the North Pacific Fishery Management Council (Council) and NMFS recognize aspects of the Program that need further refinement. This action is necessary to make those refinements and is intended to improve the ability of NMFS to manage the Pacific halibut and sablefish fixed gear fisheries.

EFFECTIVE DATE: September 9, 1996.

ADDRESSES: Copies of the final rule and the Regulatory Impact Review for this action may be obtained from: Fisheries Management Division, Alaska Region, NMFS, Room 453, 709 W. 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: James Hale, 907-586-7228.

SUPPLEMENTARY INFORMATION:**Background**

Regulations codified at 50 CFR 679 implement the IFQ Program, a limited access system for management of the Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma*

fimbria) fixed gear fisheries in and off of Alaska, under the authority of the Northern Pacific Halibut Act with respect to halibut and the Magnuson Fishery Conservation and Management Act (Magnuson Act) with respect to sablefish. Further information on the rationale for and implementation of the IFQ Program is contained in the preamble to the final rule published in the Federal Register on November 9, 1993 (58 FR 59375).

This action amends various portions of the regulations implementing the IFQ Program and eliminates a prohibition in the groundfish regulations that pertains to IFQ sablefish. These changes are intended to improve the ability of fishermen to conduct fishing operations under the IFQ Program, to refine NMFS' ability to administer the program effectively, and to make the Program more responsive to conservation and management goals for Pacific halibut and sablefish fisheries. A proposed rule was published in the Federal Register, which invited comments through May 24, 1996 (61 FR 18116; April 24, 1996). No comments were received. The following list is a brief description of the regulatory provisions added or amended by this rule. Further information on these changes is contained in the preamble to that proposed rule (61 FR 31228; June 19, 1996).

Elimination of the 72-hour "Fair Start" Provision

Section 679.7(b)(2) is removed to eliminate the prohibition against deploying fixed gear during the 72-hour period preceding the opening of fixed gear sablefish fishing seasons. NMFS has determined that this prohibition is no longer necessary. Under the IFQ Program, which lengthened GOA fixed gear sablefish seasons, the problems addressed by the "fair start" provision have been resolved.

Revision of the Owner-Aboard Restriction

Section 679.4(d)(6)(ii) is revised to allow fishermen to leave their vessels during the time between their arrival in port and the beginning of landing operations. IFQ regulations formerly required IFQ holders to be aboard vessels used to harvest IFQ fish during all fishing operations to ensure that the catcher vessel fleet remains primarily an owner-operator fleet. As revised the regulation continues to require that IFQ holders be aboard during harvest and landing of IFQ fish, except as allowed by the emergency waiver provision; however, IFQ fishermen no longer have to remain aboard in the interim between